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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,113	11/16/2000	STEPHEN JOHN RUIZ	004164.P004	4948

7590 08/11/2004

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LOS ANGELES, CA 90025

EXAMINER
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NGUYEN, XUAN LAN T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/716,113

Applicant(s)

RUIZ, STEPHEN JOHN

Examiner

Lan Nguyen

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-21 and 23-40 is/are pending in the application.
- 4a) Of the above claim(s) 4,7-20,24 and 27-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,21,23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Due to newly found art, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

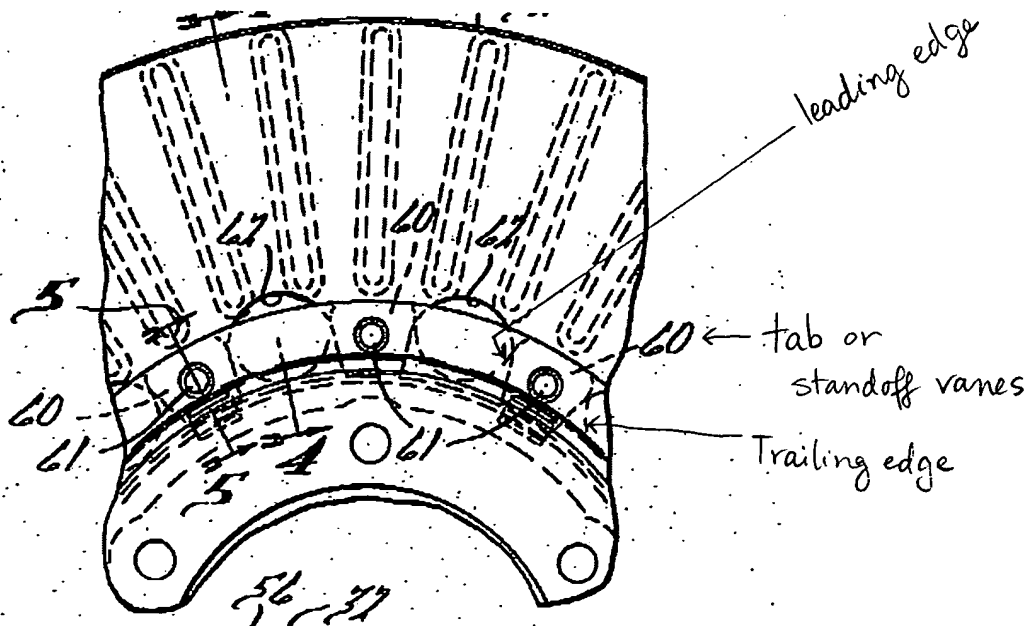
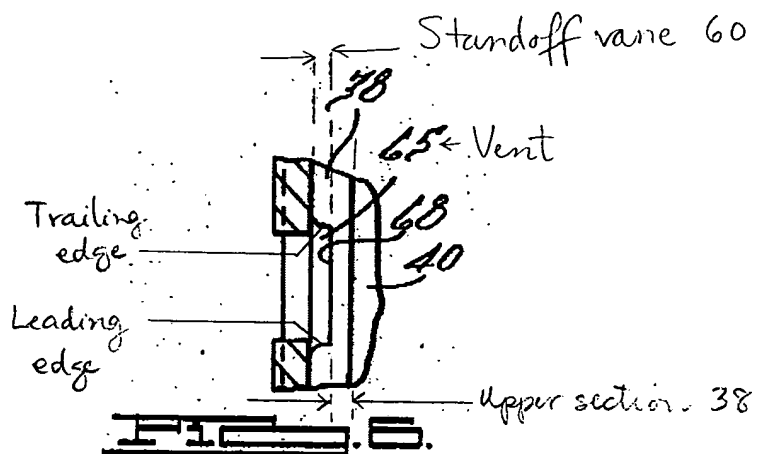
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 6, 21, 23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Caskey.

Re: claim 1, Caskey shows a mounting hat 34 for a brake rotor 32, as in the present invention, comprising: a lower section 36 coupled to an upper section 38, a plurality of aerodynamically shaped standoff vanes shown in figure 3 as tabs 60 wherein the bolts 61 are going through the vanes to attach the upper section 38 to the rotor 32, in figures 6 and 3, Caskey shows the leading edge and the trailing edge of the recess 65 to be curved, see the figures below, the standoff vanes space apart the upper section 38 from the brake rotor 32 as shown; and a plurality of vents, recesses 65, formed between adjacent aerodynamically shaped standoff vanes, wherein the vents are circumferentially distributed on the upper section, as shown in figure 3, and air located within said mounting hat and air deflected from said brake rotor are induced to

flow through the vents 65 in a direction outward from a radial interior of said mounting hat to a radial exterior of said mounting hat, as stated in column 3, lines 53-57 and column 3, line 63 to column 4, line 2.



Re: claim 3, figure 6 shows the leading edge and trailing edge of the plurality of aerodynamically shaped standoff vanes are one of stepped up and ramped up from the upper section towards the top of the vanes.

Re: claim 5, figure 6 shows the leading edge and the trailing edge to be asymmetrical.

Re: claim 6, figure 3 shows bolts 61.

Re: claim 21, Caskey shows a brake rotor, as in the present invention, comprising: a rotor 32, a hub 34 having a plurality of aerodynamically shaped standoff vanes shown as tabs 60, each having a curved leading edge and a curved trailing edge, as shown in figures 3 and 6; a plurality of vents 65 are circumferentially distributed between hub and the rotor, air located within the hub 34 is induced to flow through the vents 65 along the braking surface 54 to cool the rotor, as discussed in column 3, lines 53-57 and column 3, line 63 to column 4, line 2.

Re: claim 23, figure 6 shows the leading edge and trailing edge of the plurality of aerodynamically shaped standoff vanes are one of stepped up and ramped up from the upper section towards the top of the vanes.

Re: claim 25, figure 6 shows the leading edge and the trailing edge to be asymmetrical.

Re: claim 26, figure 3 shows bolts 61.

**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Lan Nguyen 8/2/04*  
*Lan Nguyen*  
Patent Examiner  
A. U. 3683